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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Closed Captioning and Video Description)
Of Video Programming) MM Docket No. 95-176
)
Implementation of Section 305 of the)
Telecommunications Act of 1996)

COMMENTS OF PREVUE NETWORKS, INC.

Prevue Networks, a United Video Satellite Group company, produces and delivers unique, locally customized electronic program guide and promotional advertising programming services to cable operators and other multi-channel video programming distributors (MVPDs) throughout the United States and 52 foreign countries, reaching a combined 80 million households worldwide. In response to the Commission's Notice of Proposed Rulemaking regarding closed captioning and video description of video programming ("Closed Captioning"), Prevue Networks respectfully submits these comments in support of the Commission's proposal to exempt programming which is primarily textual in nature and promotional advertising from the closed captioning requirement.

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I. Introduction.

Prevue Networks shares the goal of Congress and the Commission to ensure that all television viewers have full access to television programming.¹ Perhaps more than any other programming services available, Prevue Networks' text-based information and promotion services² currently meet this objective. Hearing impaired viewers have easy access to a wide range of up-to-date, MVPD-specific programming information³ by tuning to the Prevue Channel and Sneak Prevue services. As an example of Prevue Networks commitment to promoting access to programming, the Prevue Channel has included the closed caption symbol in its program listings information since 1988.

Due to the technical and operational constraints of producing and delivering these classes of locally customized programming services, a requirement of Closed Captioning would be infeasible, resulting in a tremendous economic burden to Prevue Networks. Perhaps more importantly, Closed Captioning of Prevue Networks programming services would adversely impact the essential utility and value of these services to viewers, particularly the hearing impaired.

¹ H.R. Report 104-458 104th Cong., 2nd Sess. ("Conference Report") (1996) at 182.

² While these services may contain video, audio, and graphical elements, the primary format is designed to deliver informational and promotional material via alphanumeric text display.

³ The services also provide ratings information specific to particular programs, current local weather information, and other local information requested by the MVPD.

II. Closed captioning of Prevue Networks' programming services would be technically infeasible.

The technical and operational difficulties faced by Prevue Networks in providing Closed Captioning with its programming services would be overwhelming, and in some respects insurmountable. The costs associated with overcoming these difficulties, even if technically possible, would be prohibitive. Such costs would adversely impact the economic viability of continued provision of these programming services. To supplement the following discussion, representative screen formats of the Prevue Channel and Sneak Prevue are attached to these comments as Exhibits A and B, respectively.

A. The technology required for customization of the Prevue Network's programming services is incompatible with Closed Captioning

The technology required for the production and delivery of locally customized programming by Prevue Networks is not compatible with current Closed Captioning technology. The video programming elements necessary for the customization of the Prevue Channel are delivered to each MVPD via satellite utilizing a dual video feed on the upper half of the screen.⁴ The Prevue Channel satellite feed is subsequently processed by a computer located at each MVPD's reception site to produce the local

⁴ An example of the Prevue Channel dual video feed is shown on Exhibit A, page 2.

customization.⁵ There is no current method or technology that would allow the coordination of separate Closed Captioning data streams delivered on line 21 of the vertical blanking interval with the appropriate video stream selected for display.

Prevue Networks produces and delivers the video programming elements of Sneak to each MVPD on a customized laser disc. This method of delivery requires that each disc for a particular system be produced approximately 3½ weeks prior to scheduled airing.⁶ However, the text and graphic overlay components of the service are delivered via satellite to allow for up-to-the minute updates and customization of scheduling, channel location, and purchasing information regarding the promoted programming.⁷ This delivery technology would require Closed Captioning information to be inserted onto the laser disc during the production stage, resulting in the frequent display of Closed Captioning text which is inconsistent with or unrelated to the updated, customized text display.

B. Closed Captioning of the video segments of the Prevue Networks' programming services would be burdensome.

Prevue Networks currently edits more than 30,000 unique video programming segments per year for use with and local customization of the Prevue Channel and Sneak

⁵ The particular video promotion for each MVPD is selected by the on-site computer and the unused video is covered by a graphic and text overlay providing addition information to the viewer, as shown in Exhibit A, page 1.

⁶ This lead time is essential to allow for delivery and implementation at each remote MVPD head-end location.

Prevue. This number will continue to rise with the launch of additional programming services and increases in MVPD channel capacities. The length of these video programming segments are generally either 10 or 30 seconds, depending on the specific purpose for which it will be utilized.

The majority of this video programming has a shelf-life of less than one day. The video programming contained in these segments is accompanied by a text display of all relevant program information. Two of the most popular segments on the Prevue Channel are Prevue Tonight and Familyvue, which highlight and promote programming which will air that day. Prevue Networks is currently editing about seventy (70) :10 second video clips per day for use in these content segments.

The costs and manpower which would be required to caption and perform quality control of such video material would be quite substantial, yet result in little or no retained value in the video segments.

III. Closed captioning would adversely impact the utility and value of Prevue Networks' programming.

Text-based and promotional advertising services such as Prevue Networks' Prevue Channel and Sneak Prevue derive the majority of their utility and value to viewers through the alphanumeric presentation of schedule and program information. This value and utility of textual presentation is particularly relevant with regard to hearing impaired

⁷ See Exhibit B, page 2.

viewers. The on-screen format of Prevue Networks' programming services has evolved over time to maximize the usefulness of increasingly complex programming and promotional information.

The Prevue Channel format consists of a scrolling grid on the lower half of the screen providing alphanumeric text display program listings and information by channel location and time.⁸ The upper half displays half and quarter screen video and/or text information regarding program offerings and local information, as well as national and local advertisements. The Sneak Prevue format consists of alternating text billboards containing schedule, channel, rating, and purchase information and video clips with similar text information overlaid.⁹

Any method by which Prevue Networks would provide Closed Captioning with these programming services would have a serious and detrimental impact to the current on-screen format, and result in a loss in utility and value to the viewer¹⁰. Regardless of the location selected to display Closed Captioning, one or more of the elements of the content would be obscured to the viewer. Obscuring the text portion of these programming services with the display of Closed Captioning would result in eliminating

⁸ See Exhibit A, page 1. This example indicates the screen format as it would appear to the viewer.

⁹ See Exhibit B. These examples demonstrate the screen appearance to the viewer of both the billboards and overlay.

¹⁰ Alterations to the current on-screen format of the Prevue Channel and Sneak Prevue and the loss of available content would effect all viewers, not just those utilizing Closed Captioning. Such alterations would require technical and operational changes in delivery, including software and hardware modifications in approximately 2900 remote MVPD head-end facilities. In addition, alteration would likely diminish the revenue streams associated with the altered content elements.

access to information for which the viewer is utilizing the programming, unless by coincidence the information sought corresponds to the current video segment. Obscuring the video portion would result in the display of Closed Captioning for video programming which the viewer cannot see.

Therefore, Closed Captioning of the Prevue Networks, Prevue Channel and Sneak Prevue programming services would only serve to reduce access by diminishing the amount and quality of accessible information provided. The utility of this programming to the hearing impaired cannot be understated, and, as concluded by the Commission, merits an exemption from providing Closed Captioning under the proposed rules.

III. Proposed definition of text-based and promotional advertising programming services exempt from Closed Captioning.

Prevue Networks recognizes the difficulty the Commission faces in balancing the need for full access to video programming with the burdens that providing such access would impose upon programming producers and providers. Any exemptions granted by the Commission should be narrowly tailored to encompass only that programming which provides or enhances such access without Closed Captioning or would be unduly burdened by providing Closed Captioning.

In that regard, Prevue Networks respectfully submits the following definition for consideration and use by the Commission in granting a class exemption for text-based and promotional advertising programming services.

“any programming service which is substantially comprised of alpha-numeric text, with or without accompanying video or graphic elements, and provides viewers with (i) television programming listings, (ii) program schedule information and/or (iii) promotional and/or purchase information regarding programming or services, which in each case are specific to such viewers' multi-channel video programming distributor.”

By limiting the exemption to text-based and promotional programming and specific types of information, the Commission would recognize the high degree of access and utility currently provided by these classes of programming. The additional requirement that such programming be customized to the viewer's MVPD would further restrict application of the exemption to that programming subject to similar economic and technical burdens as those of Prevue Networks.

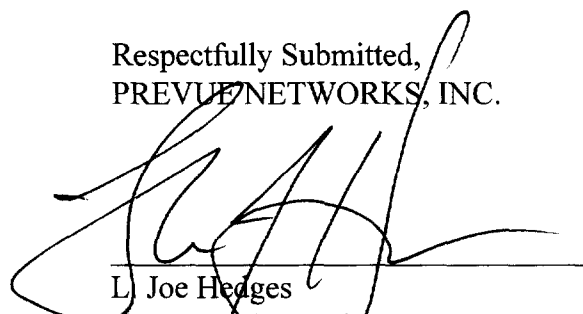
II. Conclusion.

The complexity, inefficiency, and economic burdens associated with providing Closed Captioning with Prevue Networks' programming services, when combined with the unparalleled access currently provided by such programming, clearly outweighs any perceived benefit which could be derived by viewers.

The Commission has tentatively concluded that text-based and promotional advertising programming such as the Prevue Channel and Sneak Prevue should be


granted a class exemption from the Closed Captioning rules. Prevue Networks strongly supports the Commission's conclusion. Such programming currently provides access to essential and useful information for all of its viewers, particularly the hearing impaired. By adopting a narrowly tailored exemption from the Closed Captioning rules the Commission would promote the continued accessibility of these classes of programming, while preserving its availability and economic viability.

Respectfully Submitted,
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February 27, 1997



PPV
"BirdCage"
Tonight at 9:00
Channel 22

	1:17:23	1:30 PM	2:00 PM	2:30 PM
34 MTV	Dallas ☺	Wildhorse Saloon ☺		
33 MTV	Weinerville	Are You Afraid Of The Dark?	Rocko's Modern Life	
32 MTV	Most Wanted ☺	Real World ☺	Do Something ☺	



EXHIBIT "B"

7:00 pm	Ch. 56
9:00 pm	Ch. 56
11:00 pm	Ch. 57
1:00 am	Ch. 57
3:00 am	Ch. 58
5:00 am	Ch. 58

EXHIBIT "B"

JAMES AND THE GIANT PEACH
10:00 PM Tonight

Call 1-800-885-PPV1
Order Now!

